

ADVISORY OPINION 91-16 [1991-8]

The Ethics Commission has received a request for advice dated April 5, 1991. The request relates the following facts: The director of a department of the Executive Branch of government submitted this request concerning an employee of the department. The employee has submitted a letter of resignation in order to return to work for a former employer. That employer provides services to Montgomery County under a contract administered by the department. The employee, however, has not been involved in any way with work performed by the business in question. The request has asked whether Section 19A-13 would prohibit the employee from working for this firm.¹

Section 19A-13(b) states:

“For one year after the effective date of termination from County employment, a former public employee must not enter into any employment understanding or arrangement (express, implied, or tacit) with any person or business that contracts with a County agency if the public employee:

- (1) significantly participated in regulating the person or business; or
- (2) had official responsibility concerning a contract with the person or business (except a non-discretionary contract with a regulated public utility).”

The Commission has concluded that since the employee has not been involved in any way with work performed by the business in question, Section 19A-13 would not apply to the employee. Accordingly, the employee may accept employment with this business.

The Ethics Commission trusts that it has been responsive to the inquiry. If you have any further questions, please do not hesitate to contact the Commission.

Date of Issue: May 15, 1991

¹ Unless otherwise indicated, section references are to the Montgomery County Code (1984).